

PTO/SB/21 (08-03)
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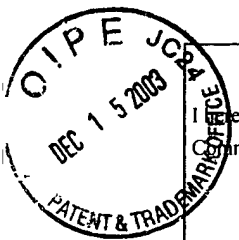
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TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application Number	10/632,682
		Filing Date	July 31, 2003
		First Named Inventor	Chaitan KHOSLA
		Art Unit	1632
		Examiner Name	Not Yet Assigned
Total Number of Pages in This Submission	8 + 16 REFERENCES	Attorney Docket Number	286002022900

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input checked="" type="checkbox"/> Information Disclosure Statement (3 pages) <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Form PTO-1449 (2 pages, plus duplicate) References (16) Return Receipt Postcard
<div>Remarks</div> <div>CUSTOMER NO. 25225</div>		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	MORRISON & FOERSTER LLP Brenda J. Wallach - 45,193
Signature	<i>Brenda J Wallach</i>
Date	December <u>12</u> , 2003

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.	
Dated: December <u>12</u> , 2003	Signature: <i>Diane Blevins</i> (Diane Blevins)



PATENT
Docket No. 286002022900

CERTIFICATE OF MAILING BY "FIRST CLASS"

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Diane Blevins

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Chaitan KHOSLA, *et al.*

Serial No.: 10/632,682

Filing Date: July 31, 2003

For: PRODUCTION OF GLYCOSYLATED
MACROLIDES IN *E. COLI*

Examiner: Unassigned

Group Art Unit: 1632

**INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. § 1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO-1449. Copies of published PCT applications along with scientific references are also submitted herewith.

Pursuant to the U.S. Patent and Trademark waiver (*see* Official Gazette Notice dated 5 August 2003) of the requirement under 37 CFR § 1.98 (a)(2)(i) of submitting a copy of each cited U.S. patent and each U.S. patent application publication for all U.S. national patent applications filed after 30 June 2003, no copies of U.S. patents are provided. In addition, Applicants would like to

point out to the Examiner that U.S. Serial No. 09/793,708, cited at page 10, line 12, of the specification, has published as U.S. Pub. No. 2003/0104597 (reference number 1 on the enclosed 1449 form). The Examiner is requested to make these documents of record.

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114.
- ☒ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required.
- ☐ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☐ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below; accordingly; no fee is believed to be due.
- ☐ After mailing of a final Office Action or Notice of Allowance, but before payment of the issue fee.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a check in the amount of __ is enclosed.
 - ☐ A Certification under 37 C.F.R. § 1.97(e) is provided below and a Fee Transmittal form (PTO/SB/17 is attached to this submission in duplicate.)

Applicants would appreciate the Examiner initialing and returning the Form PTO-1449, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does

not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent Office determines that an extension and/or other relief is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing **286002022900**. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: December 12, 2003

Respectfully submitted,

By: Brenda J. Wallach
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Form PTO-1449

Docket Number 286002022900

Application Number 10/632,682

INFORMATION DISCLOSURE CITATION
IN AN APPLICATION

(Use several sheets if necessary)

Applicant

Chaitan KHOSLA et al.

Filing Date July 31, 2003

Group Art Unit 1632

Mailing Date December 12, 2003

U.S. PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Name	Class	Subclass	Filing Date If Appropriate
	1.	06/2003	2003/0104597 A1	Ashley et al.	435	193	
	2.	05/2000	6,066,721	Khosla et al.	536	23.1	
	3.	09/2000	6,117,659	Ashley et al.	435	155	
	4.	10/2001	6,303,767	Betlach et al.	536	23.2	
	5.	05/2002	6,391,594	Khosla et al.	435	91.4	
	6.	06/2002	6,399,789	Santi et al.	549	271	
	7.	06/2002	6,403,775	McDaniel	536	7.2	
	8.	12/2002	6,492,562	Ashley et al.	568	75	
	9.	12/2002	6,500,960	Khosla et al.	549	264	
	10.	01/2003	6,509,455	Ashley et al.	536	23.2	
	11.	05/2003	6,558,942	Khosla et al.	435	253.5	

FOREIGN PATENT DOCUMENTS

Examiner Initials	Ref. No.	Date	Document No.	Country	Class	Subclass	Translation YES NO
	12.	07/1997	WO 97/23630	PCT			
	13.	04/2001	WO 01/27306	PCT			
	14.	05/2001	WO 01/31035	PCT			
	15.	05/2001	WO 01/31049	PCT			
	16.	10/2001	WO 01/79520	PCT			
	17.	02/2003	WO 03/14312	PCT			

OTHER DOCUMENTS

(including author, title, Date, Pertinent Pages, Etc.)

Examiner Initials	Ref. No.	Title
	18.	Aguirrezbalaga et al. (2000). <i>Antimicrobial Agents and Chemotherapy</i> 44(5):1266-75.

EXAMINER:

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.

Application Number 10/632,682

Chaitan KHOSLA et al.

(Use several sheets if necessary)

Group Art Unit 1632

Mailing Date December 12, 2003

27. |Xue et al. (1998). *PNAS* 95:12111-12116.

DATE CONSIDERED:

EXAMINER: Initial if citation considered, whether or not the citation conforms with MPEP 609. Draw a line through the citation if not in conformance and not considered. Include a copy of this form with next communication to applicant.